

T H E C H A R T E R

of the

CITY OF CHULA VISTA

Recommended by Charter Committee 1949. Approved by a special election, November 8, 1949, with a vote of 2068 YES to 1101 NO, presented to the House by Assemblyman Ralph R. Cloyed and to the Senate by Senator Fred H. Kraft. Ratified by the Legislature of the State of California on December 15, 1949.

WE, THE PEOPLE OF THE CITY OF CHULA VISTA, STATE OF CALIFORNIA, DO ORDAIN AND ESTABLISH THIS CHARTER AS THE ORGANIC LAW OF SAID CITY UNDER THE CONSTITUTION OF SAID STATE.

Latest amendments were approved by the electorate on November 6, 2012.

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ARTICLE I. INCORPORATION AND SUCCESSION.

Sec. 100. Name and Boundaries.

The City of Chula Vista shall be a municipal corporation under the name of "City of Chula Vista". The boundaries of the City shall be the boundaries established by law.

Sec. 101. Succession, Rights and Liabilities.

The City of Chula Vista shall own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it and shall be subject to all its debts, obligations and liabilities.

Sec. 102. Ordinances.

All lawful ordinances, resolutions and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent therewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Sec. 103. Continuance of Contracts.

All contracts entered into by the City, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect.

Sec. 104. Effective Date of Charter.

The effective date of this Charter is December 15, 1949 and totally revised pursuant to direction of the voters on June 6, 1978.

ARTICLE II. POWERS.

Sec. 200. Powers of City.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to, any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Sec. 201. Powers Vested in Council.

All powers of the City, except as otherwise provided in this Charter, shall be vested in the City Council.

ARTICLE III.

CITY COUNCIL.

Sec. 300.

Members, Eligibility and Terms.

A. There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected at the times and in the manner provided in this Charter.

1. The Mayor shall be elected from the City at large. No person shall be eligible to hold the office of Mayor, or to be elected or appointed to the office of Mayor, unless such person is a resident and registered voter of the City or territory annexed to the City. To be eligible to seek election to the office of Mayor, a person must be a resident and registered voter of the City or territory annexed to the City at the time of filing the nomination papers for such office.

2. Each of the four Councilmembers shall be elected by district in the manner provided in paragraph (3) below. To be eligible to seek election, or appointment, to the office of Councilmember, a person must be a registered voter of the City or territory annexed to the City and resident of the Council district which that person seeks to represent at the time of filing the nomination papers for such office, or at the time of appointment to such office, respectively. No person shall be eligible to hold the office of Councilmember unless that person is a registered voter of the City or territory annexed to the City and resident of the Council district which that Councilmember represents.

3. In the general municipal election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from their district; and the two (2) candidates for Councilmember in each district receiving the highest and second highest number of votes cast by the voters of their district shall be the candidates in a run-off election to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even numbered year). If only two qualified candidates from a Council district file nomination papers to participate in the general municipal election in that district, no general election shall be held and the two candidates shall be the candidates at the run-off election for the office of City Councilmember from that district. If two or more candidates from a district tie in the receipt of the highest number of

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votes in the general municipal election, all such candidates shall appear on the run-off election ballot and no candidate(s) receiving the second-highest number of votes shall appear on the run-off election ballot. If one candidate from a district receives the highest number of votes and two or more candidates from the same district tie in the receipt of the second-highest number of votes, all such candidates shall appear on the run-off election ballot. In the run-off election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from each district for which a Councilmember is to be elected, and the candidate for Councilmember from each district receiving the highest number of votes cast shall be elected.

4. Notwithstanding any other provision in this Section 300 or Section 300.5, the mandatory run-off election requirement in subparagraph 300.A.3., above, shall take effect in 2014. Notwithstanding that the mandatory run-off elections shall commence in 2014, the transition to by-district elections for Councilmembers shall not commence until 2016 as provided in Section 300.5. Until the 2016 general municipal election, Councilmembers shall continue to be elected at large.

B. The term of each member of the City Council shall be for a nominal term of four years and shall commence on the first Tuesday of December of the year of the election, and shall continue until a qualified successor takes the oath of office. Notwithstanding the foregoing, if the official results for the election of the office of Mayor or the office of Councilmember are not certified before the first Tuesday in December, the term for the Mayor or Councilmember(s) elected at such election shall be deemed to commence upon taking the oath of office, which shall be given at the first scheduled City Council meeting following certification of the election results.

C. No person shall be eligible for nomination and election to the office of City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held a Council office for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of Council or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Councilmember or Mayor may not seek nomination and election to said offices of Councilmember or Mayor until a period of one year from the termination of the appointed term has

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elapsed. Said appointee shall be eligible to seek nomination and election for two (2) full terms thereafter. Any person elected in a special election for the balance of a regular term of Mayor and/or Councilmember for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

D. Each Council district shall be numbered one (1) through four (4) respectively. Any person running for the office of Councilmember shall designate, as the office for which such person seeks election, one of the numbered Council districts as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in any Council district, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered district on their nominating papers.

E. Any person to be elected at a general municipal election for the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of a majority of the votes cast for the office of Mayor at the election. If no candidate at such general municipal election receives a majority of the votes cast, there shall be a special runoff election, to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even-numbered year), between the two candidates receiving the highest and second highest number of votes in the general municipal election for the office of Mayor, in order to determine the winner. By way of clarification, ties among the candidates receiving the two highest number of votes at the general municipal election shall be resolved by a special run-off election. Beginning in 2014, the elections for the office of Mayor shall be held in the same manner as provided in Section 300.A., provided, however, that voters of the City at-large shall be entitled to vote in such elections.

F. Vacancies and elections to fill vacancies for the office of Councilmember or the office of Mayor, shall be determined in accordance with Section 303.C.2.

G. If one of the two eligible candidates dies on or before the ninetieth day prior to a special run-off election required under this Section, his or her name shall not be placed on the ballot. The candidate receiving the third highest number of

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votes in the general municipal election for the office of Councilmember or the office of Mayor shall be offered by the City Clerk, the opportunity to be placed on the ballot in lieu of the deceased. The City Clerk shall make the offer in writing immediately upon notification of the death. The candidate shall accept or reject in writing to the Clerk within five calendar days of receipt of the City Clerk's offer. If accepted, the special run-off election between the remaining candidate and the candidate receiving the third highest number shall be held. If rejected, there shall be no run-off election, and the remaining candidate shall be deemed elected as of the date of such death.

H. Any person to be elected at a special run-off election required under this Section, shall be deemed elected upon receipt of the highest number of votes for the particular office of Councilmember or the office of Mayor and shall be seated upon taking the oath of office. Ties at such special run-off election shall be resolved by lot.

Sec. 300.5. Districting Commission

A. Establishment of City Districting Commission;
Composition; Powers and Duties

1. Separate and distinct from the commissions provided for in Article VI of this Charter, there shall be established a seven (7) member Districting Commission, hereinafter "Commission," for the purposes of recommending to the City Council the Council districts by which Councilmembers shall be elected, and periodically recommending to the City Council adjustments to the boundaries of such Council districts.

2. The first Commission established under this Section shall recommend, and the City Council shall approve, a Districting Plan establishing four (4) Council districts in a timely manner, but no later than February 1, 2016, for use in the 2016 general municipal election. Thereafter, future Commissions shall recommend, and the City Council shall approve, a Districting Plan for adjusting the boundaries of the four (4) Council districts within one (1) year of receipt by the City of the final Federal Decennial Census information for use commencing with the next scheduled general municipal election occurring at least three (3) months after adoption of the Final Districting Plan. As used in this Section, the term "Federal Decennial Census" shall mean the national decennial census that is taken under the direction of the United States Congress at the beginning of each decade.

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3. One or more, as necessary, independent consultants experienced and competent in the skills necessary for the districting work shall be utilized to assist the Commission in developing the Districting Plans detailed in this Section.

B. Ordinances Implementing Districting Commission Powers and Duties; Appropriations to Support Districting Commission

1. The City Council shall adopt such ordinances as are necessary to provide for and support the Commission, and to ensure timely selection of Commission members and full implementation of the Commission's powers and duties under this Section.

2. The City Council shall ensure, through the budget process, the appropriation of funds sufficient to allow the Commission to carry out its powers and duties under this Section.

C. Eligibility to Serve on the Commission.

1. Only persons who are both residents and registered voters of the City or territory annexed to the City are eligible to apply for and serve on the Commission.

2. Notwithstanding that they may be a resident and registered voter of the City or territory annexed to the City, the following persons are ineligible to apply for and serve on the Commission:

a. the Mayor, a Councilmember, any other elected City official, or a member of the City Charter Review Commission;

b. a relative by blood or marriage within the second degree, or any domestic partner within the meaning of California law (including Family Code section 297), of the Mayor, any Councilmember, or any other elected City official;

c. a person who, at anytime within the four (4) years immediately preceding the date of their application for selection to the Commission, has served as the Mayor, a Councilmember, or an elected City official;

d. a current employee of the City or a current employee of any organization representing any employee bargaining unit for employees of the City;

e. a person who, at anytime within the four (4) years immediately preceding the date of their application for selection

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to the Commission, has worked as a lobbyist. For purposes of this provision, the term "lobbyist" means a person who, for compensation, has direct communication with a City official, including the Mayor, a Councilmember, or any elected City official, for purposes of influencing a municipal decision;

f. a person who is currently an officer in any local political party organization, including, but not limited to, officers of a political party county central committee; and

g. a person who, at anytime within the four (4) years immediately preceding the date of their application for selection to the Commission, has served as a paid campaign worker or paid campaign or political consultant for an elected City official.

D. Selection of Commission Members; Filling of Vacancies

1. The City Charter Review Commission shall review and verify the information contained in the applications submitted by persons interested in serving on the Commission, including applicants' eligibility to serve on the Commission under Subdivision C of this Section. From the reviewed and verified applications, the City Charter Review Commission shall select ten (10) persons to constitute the pool of eligible applicants for purposes of this Subdivision.

2. Four (4) Commission Members shall be randomly selected from the pool of eligible applicants;

3. Three (3) Commission Members shall be selected by the randomly selected Commission Members from the pool of eligible applicants, subject to approval by the City Council. The goal of such selections shall be to ensure that, to the extent possible and as permitted by law, the Commission includes:

a. women and men who reflect the racial, ethnic, and geographic diversity of the City;

b. persons who have relevant knowledge and/or demonstrated analytical abilities that would allow the Commission to carry out its responsibilities with a high degree of competence;

c. persons who have demonstrated the ability to serve impartially in a nonpartisan role;

d. persons who have experience in the areas of public communication and/or public outreach in the City; and

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e. persons who have experience in civic and/or volunteer activities in the City.

The City Council shall approve nominees for selection to the Commission unless the City Council finds by at least four (4) affirmative votes that the approval of one or more of the nominees would be inconsistent with this goal. In such case, the City Council shall approve for selection to the Commission one or more persons from the remaining pool of eligible applicants.

4. In the event that not enough eligible persons apply for the Commission to allow selection in the manner provided in Paragraphs 1, 2, or 3 of this Subdivision, the City Council shall appoint persons as necessary to fill all seven (7) seats on the Commission. Such appointments shall be consistent with the eligibility restrictions in Subdivision C of this Section and the goals described in Paragraph 3 of this Subdivision.

5. The Members of the first Commission provided for in this Section shall be determined no later than May 1, 2015. Thereafter, the Members of subsequent Commissions shall be determined no later than May 1 of each year following the year in which the Federal Decennial Census is taken.

6. Vacancies on the Commission, from whatever cause arising, shall if possible be filled using the same process described in Paragraph 3 of this Subdivision, and if not possible, then by the City Council consistent with the eligibility restrictions in Subdivision C of this Section and the goals described in Paragraph 3 of this Subdivision. A vacancy on the Commission shall be declared for the same reasons described in Article VI, Section 602(c) of this Charter. Vacancies on the Commission shall be filled within 45 days of the date upon which the vacancy existed.

E. Commission Member Compensation; Restriction on Commission Members Seeking Election to City Council

1. Commission Members shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

2. A person who serves as a Commission Member is ineligible to serve on, and shall not seek election to, the City Council in any district whose boundaries were drawn or adjusted by the Commission on which such person served for a period of

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four (4) years immediately following the end of the person's service on the Commission.

F. Districting Criteria.

The Commission and City Council shall adhere to the following criteria in considering and approving or disapproving any Districting Plan:

1. District shall have reasonably equal populations as required by the Federal and State constitutions.

2. District boundaries shall be geographically compact and contiguous.

3. District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible.

4. District boundaries shall respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of residents who share similar interests including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.

5. District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers.

6. District boundaries shall be drawn without regard for advantage or disadvantage to any political party.

G. Procedures for Creation of Draft and Recommended Districting Plans.

The Commission and City shall abide by the following procedure in any districting process:

1. The Commission and City should actively encourage City residents to participate in the districting process. Such efforts should include, but not be limited to, encouraging City residents to attend Commission meetings, provide public comments to the Commission, and facilitating the submission of districting plans for consideration by the Commission. To the extent practicable, Commission meetings should be held in different geographic areas of the City so as to facilitate participation by persons residing in different areas of the City.

Section 300.5 (continued)

2. The Commission shall approve a Draft Districting Plan based on application of the districting criteria specified in Subdivision F of this Section and consideration of all public comments submitted to it. Approval of a Draft Districting Plan shall require the affirmative vote of at least five (5) Commission members. The Commission shall hold at least two (2) public meetings prior to approving a Draft Districting Plan.

3. A Draft Districting Plan approved by the Commission shall be made publicly available for at least thirty (30) days before the Commission may take any action to approve a Recommended Districting Plan. The Commission shall hold at least two (2) public meetings between the release of a Draft Districting Plan and approval of a Recommended Districting Plan; provided, however, that the first such public meeting shall not be held sooner than seven (7) days following the release of a Draft Districting Plan.

4. The Commission shall thereafter approve a Recommended Districting Plan for consideration by the City Council. Approval of a Recommended Districting Plan shall require the affirmative vote of at least five (5) Commission Members.

5. For each Recommended Districting Plan prepared by the Commission and submitted to the City Council, the Commission shall prepare a report that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Districting Plan. Such a report shall accompany any Recommended Districting Plan submitted by the Commission to the City Council.

H. City Council Consideration of Recommended Districting Plan; Approval of Final Districting Plan.

1. The City Council shall hold at least one (1) public hearing on the Recommended Districting Plan of the Commission before the City Council takes any action to approve or disapprove the Recommended Districting Plan.

2. The Recommended Districting Plan shall be made publicly available for at least fourteen (14) days before any vote by the City Council to approve or disapprove a Recommended Districting Plan.

3. The City Council shall not alter the Recommended Districting Plan. Rather, the City Council shall approve or disapprove the Recommended Districting Plan in its entirety.

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4. If the City Council approves a Recommended Districting Plan it shall immediately become the Final Districting Plan which shall be implemented by the City.

5. If the City Council disapproves a Recommended Districting Plan, the City Council shall immediately state in writing to the Commission the reasons for such disapproval, including any deviations by the Commission from the districting criteria specified in Subdivision F of this Section. Thereafter, the Commission shall consider the City Council's stated reasons for disapproval and may consider and approve alterations to the Recommended Districting Plan in response to those reasons. After such consideration, the Commission shall submit its Final Districting Plan to the City Council for immediate implementation by the City. Approval of such Final Districting Plan shall require the affirmative vote of five (5) Commission Members.

I. Referendum or Legal Challenge to Final Districting Plan.

1. Any Final Districting Plan approved under this Section shall be subject to the referendum provisions of this Charter. If a referendum qualifies against the Final Districting Plan approved by the first Commission established under this Section, the City shall continue to elect Councilmembers at-large until an election on the referendum is held. If a referendum qualifies against any Final Districting Plan approved by a subsequent Commission, the City shall continue to elect Councilmembers by district elections as provided in Section 300 using existing Council districts until an election on the referendum is held. In either event, if the voters approve such a Final Districting Plan, the Council districts established in the Final Districting Plan shall become effective as soon as practicable. If the voters reject such a Final Districting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Districting Plan for consideration and approval by the City Council consistent with the process described in Subdivision G of this Section.

2. If a court of competent jurisdiction invalidates a Final Districting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Districting Plan for consideration and approval by the City Council consistent with the process described in Subdivision G of this Section.

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J. Dissolution of Districting Commission

Each Commission established under this Section shall cease operations and dissolve on the ninety-first day following approval of a Final Districting Plan, unless a referendum against the Final Districting Plan has qualified or a lawsuit has been filed to enjoin or invalidate the Final Districting Plan, in which case the Commission shall continue operations until a Final Districting Plan is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a Final Districting Plan is filed later than the ninety-first day following approval of a Final Districting Plan, the Commission shall automatically revive and continue operations during the pendency of such lawsuit and until a Final Districting Plan is implemented by the City.

K. Transition from At-Large Elections

1. A period of transition from at-large elections to the by-district elections described in Section 300 will occur from the time of approval of a plan to establish Council districts to the time that the first by-district elections are held for each Council district. For this transition period, each Councilmember who currently holds a Council seat will be designated as the incumbent Councilmember representing the Council district with the same numerical designation in the first districting plan approved and implemented by the City Council, whether or not that Councilmember resides in that Council district. For example, the Councilmember occupying the previously-designated Council seat one (1) will be designated the incumbent Councilmember for new Council district one (1) whether or not that Councilmember resides in Council district one (1). Each of the Councilmembers occupying office at the time of the effective date of this Section shall be so designated.

2. Council districts one (1) and two (2) shall transition to the by-district elections described in Section 300 of this Charter beginning with the general municipal election in 2018. Council districts three (3) and four (4) shall transition to the by-district elections described in Section 300 beginning with the general municipal election in 2016. Notwithstanding the designation of incumbent Councilmembers for purposes of the transition period described in Paragraph 1 of this Section, no person shall be eligible to seek election to a newly created Council district in any by-district election unless such person is eligible to seek election under Subdivisions A and C of Section 300 of this Charter. For purposes of the transition period, prior service by an incumbent Councilmember in office at

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the time of the effective date of this Section shall count for purposes of determining that Councilmember's eligibility under Subdivision C of Section 300 of this Charter to run for election in one of the newly created Council districts. Thus, a designated incumbent Councilmember of a newly created Council district during the transition period may not be nominated for or elected in a by-district election for that Council district unless (1) he or she is a resident of that Council district at the time nomination papers are filed and (2) more than one (1) year has elapsed since the termination of the second consecutive term in the office of City Councilmember for which he or she was previously elected or appointed.

Sec. 301. Powers.

The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute an infraction and shall be punishable in the same manner as violations of this Charter are punishable.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and nays taken on such question to be entered in the minutes of the meeting.

Sec. 302. Compensation for Councilmembers.

The four Councilmembers shall receive, as compensation for their services, forty percent (40%) of the salary of the Mayor. They shall receive reimbursement on order of the City Council for Council-authorized travel and other expenses when on official duty of the City. The City Council may also provide, by resolution, for the payment, to Councilmembers of an allowance of

Section 302 (continued)

a sum certain per month to reimburse them for the additional demands and expenses made upon and incurred by them in serving as Councilmembers.

Sec. 303. Vacancies.

A. When a Vacancy Occurs; Granting Permission for Absences.

If a member of the City Council is absent from four (4) consecutive regular meetings of the City Council scheduled and held, unless by permission of the City Council expressed in its official minutes contemporaneously with such absences or sooner, or is convicted of a felony or crime involving moral turpitude, or submits a letter of resignation to the City Clerk, the office shall become vacant as of the date of the last absence (in the case of four unexcused, consecutive absences from regular City Council meetings), the date of such conviction (in the case of conviction of a felony or crime involving moral turpitude), or the effective date of resignation as set forth in such letter of resignation, as applicable. The permission of the Council shall be granted for any temporary illness of the requesting Councilmember disabling him or her from attendance at such

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meeting. The City Council shall declare the existence of any vacancy or anticipated vacancy as soon as practicable.

B. Anticipated Vacancies with Intervening Consolidated Elections; Duration of Elected Replacee's Term.

If (1) a vacancy is expected to occur in an office of any member of the City Council or Mayor because of either the election of the current office holder to another seat on the Council or other office requiring the surrender of the City office seat, and (2) if, between the time the expectation of vacancy occurs (by final election results for the other election contest having been announced) and the time the actual vacancy is expected to occur, any other federal, state or local (non-City) election involving all the electors of the City is scheduled to be held at such a time that permits a special election to be called and consolidated with such other federal, state or local election, then (A) the City Council shall call and request consolidation of such special election with such other election or elections, and (B) the vacancy so expected to be created shall be filled by such special election. A person elected in such special election to fill a vacancy shall serve for the remainder of the term of the office and until a successor qualifies.

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C. Unanticipated Vacancies.

Except under the circumstances hereinabove provided in paragraph B, the City Council shall fill such vacancy by election or appointment as set forth herein.

1. If a vacancy is declared by the Council with one (1) year or less remaining in the term from the date of declaration, the Council shall within 45 days appoint a person to fill the vacant seat on the City Council.

In the event Council shall make such an appointment, such an appointee office holder shall be entitled to hold office until a successor subsequently qualifies at the expiration of the remaining Council or Mayoral term.

If the Council is unable to make an appointment, the Council's power to appoint within 45 days of declaration of vacancy is hereby terminated for the duration of such minimal remaining term and the seat will remain vacant. The Council shall use good faith and best efforts to reach agreement on such an appointment. If the Council is unable to make an appointment during the allotted time, the Council's power to appoint is terminated.

2. If a vacancy declared by the Council occurs with more than one (1) year remaining in the term from the date of said declaration, the Council shall call a special election to be held on the next established election date, as specified in the Elections Code of the State of California, or within 120 days from the declaration of vacancy, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy. If there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy, the Council may consolidate the special election with that election, as provided by the Elections Code.

a. In the special election, the voters in the district for which a vacancy shall be filled shall be entitled to vote for one (1) candidate from the district; the two (2) candidates for Councilmember in the district receiving the highest and second highest number of votes cast by the voters of the district shall be the candidates in a special run-off election, as provided in subparagraph b., below. Ties among candidates shall be resolved in the manner provided in Section 300.A.3.

Section 303 (continued)

b. If no candidate receives a majority of votes cast in the special election, to fill a vacancy, a special run-off election shall be held in the district in which the vacancy exists, on the next established election date, as specified in the Elections Code, or within 120 days following the certification of the special election results, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days following the certification of the special election results, at which time the Council may consolidate the special run-off election with that election, as provided by the Elections Code. The two (2) candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat and the name of only those two (2) candidates shall be printed on the ballot for that seat.

c. A vacancy in the office of Mayor shall be filled in the same manner as provided in subparagraph a., and b., above, except that the voters of the City at-large shall be entitled to vote.

Sec. 304. Presiding Officer, Mayor.

(a) **Mayor.** There shall be elected at the general municipal election a Mayor who shall hold office for a term of four years and until a successor is elected and qualified.

(b) **Duties.** The Mayor shall be a member of the City Council and shall perform all the functions and have all of the powers and rights of a duly elected Councilmember. In addition to said powers and duties, the Mayor shall have the power and duty:

- (1) to report to the City Council annually and from time to time on the affairs of the City and to recommend for its consideration such matters as deemed expedient, and
- (2) to be the official head of the City for all political and ceremonial purposes and to be recognized by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for emergency purposes, and
- (3) in the time of public danger or emergency, the Mayor, with the consent of the Council, and for such

period as the council may fix, to take command of the police, maintain order and enforce the law, and

- (4) to assume the primary, but not the exclusive responsibility, for interpreting to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program. The Mayor may represent the City in any and all matters involving other governmental agencies, provided that no act, promise, commitment or agreement entered into or committed by the Mayor shall be binding upon the City of Chula Vista unless duly authorized or ratified by the City Council, and
- (5) to represent the City in all regional public agencies which require an elected City official, unless otherwise determined by the City Council, and
- (6) to supervise the operation of the mayor/council office and personnel assigned thereto, and
- (7) to perform such other duties consistent with the office as may be prescribed by this Charter or delegated to the Mayor or imposed on the Mayor by the City Council if not inconsistent with the provisions of this Charter, and
- (8) to exercise the full-time function as Mayor of the City during the usual business hours that the offices of the City are open, and such other hours and times as shall be necessary to discharge in full the duties imposed upon the Mayor.

(c) **Compensation.** The Mayor shall receive an annual salary equivalent to 66% of the salary of a Judge of the Superior Court of the State of California. The Mayor shall also receive reimbursement on order of the Council for Council-authorized travel and other expenses when on official duty out of the City. The City Council may also provide, by resolution, for the payment to the Mayor of an allowance of a sum certain per month, as reimbursement for the additional demands and expenses made upon and incurred by the Mayor.

(d) **Mayor Pro Tempore.** The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

Sec. 305. Prohibited Acts.

No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to unduly influence the City Manager or other officer appointed or confirmed by the Council in their performance of duties.

The Mayor and the Councilmen are hereby individually and collectively prohibited from performing any administrative or executive functions except as same may be authorized by this Charter or by ordinance of the City of Chula Vista.

Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager.

A violation of the provisions of this section by any member of the Council shall constitute misconduct for which the offending member may be removed from office by the Council.

Sec. 305.5 Limitations on Powers of Eminent Domain.

Eminent domain is not to be used to further private economic development. The City of Chula Vista shall not initiate or participate in any proceedings, or take any action to condemn private property for the purpose of making such property available for private development, nor shall the City participate, directly or indirectly, in such takings. "Participation" means contributing, lending, providing, pledging, or foregoing, any funds, property, credit, in-kind services, or incurring any debt or lease obligation, or providing any other thing of value to any agency, organization, or project. Notwithstanding these prohibitions, the City of Chula Vista may participate in proceedings to condemn private property for the purpose of making such property available for private development if such participation is approved by a majority of the voters in the City.

Sec. 305.6 Minimum Public Use Period.

Property acquired by the City of Chula Vista through the use of eminent domain after the effective date of this charter amendment must be held or used for a public use by the City for a minimum ten year period prior to sale, lease, transfer or other disposition by the City.

Sec. 306. Regular Meetings.

The City Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or
Section 306 (continued)

resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Sec. 307. Special Meetings. (Repealed 11-8-88)

Sec. 308. Place of Meetings.

All meetings shall be held in the Council Chamber in the Civic Center or such other appropriate conference room located in the Civic Center and shall be clearly noticed and open to the public. If, by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if the Mayor should fail to act, by three members of the City Council.

It is further provided that any special meeting may be held within any place suitable and desirable for public assembly within the City of Chula Vista or areas contiguous thereto to facilitate the public participation in the business of the City, subject to the requirements of notice as provided in this Charter and the laws of the State of California. Further, the City Council may meet in joint session at an appropriately designated official place of meeting with the governing body or bodies of any other governmental agency in the County of San Diego, subject to notification as required hereinabove.

At such special meeting called at the time and place and in the manner provided herein, the City Council may not pass upon any ordinance or resolution, or make any final decision on the matters being discussed at said meeting except that final actions may be taken at joint meetings with other governmental agencies held at a regular place of meeting of such agency.

Sec. 309. Quorum; Proceedings.

Three members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council but need not specify the matters to be acted upon.

Sec. 310. Citizen Participation.

All citizens shall have the right personally, or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Sec. 311. Adoption of Ordinances and Resolutions.

(a) **Generally.** With the sole exception of ordinances which take effect upon adoption referred to in this article, no ordinance shall be adopted by the City Council on the day of introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

(b) **For Payment of Money.** A resolution or order for the payment of money shall be adopted or made only at a regular or adjourned regular meeting.

(c) **Votes Required Execution and Attestation.** Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Section 311 (continued)

(d) **Emergency Ordinances.** Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety, and general welfare and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes.

Sec. 312. Ordinances.

(a) **Enactment of Ordinances.** The enacting clause of all ordinances adopted by the City Council shall be substantially as follows "The City Council of the City of Chula Vista does ordain as follows:"

(b) **Publication of Ordinances.** Within 15 days after its passage, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in the City, or if there is none, the Clerk shall cause it to be posted in at least three public places in the City or published in a newspaper of general circulation printed and published in the county and circulated in the City. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but such ordinances shall be posted in the manner and at the time required by this section.

The publication or posting of ordinances, as required above may be satisfied by: (1) Publication of the full text of the ordinance, or (2) A summary thereof prepared by the City Clerk, and posting of a certified copy of the full text thereof in the office of the City Clerk, or (3) A display advertisement in a newspaper of general circulation in the City or if the City Clerk determines it is not feasible to prepare a fair and adequate summary of the ordinance, and if the City Council so orders. The synopsis or advertisement shall indicate the general nature of, and provide information about, the ordinance including information sufficient to enable the public to obtain copies of the complete text of such ordinance, as well as the names of those City Council members voting for and against the ordinance.

(c) **Codification of Ordinances.** Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Ordinances so

Section 312 (continued)

codified shall be repealed as of the effective date of the code. Other codes, including statutes or published compilations of rules, regulations or standards adopted by the Federal or State government or by any agency of either of them, or nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution may also be adopted by reference in accordance with the provisions of this subsection. County ordinances or codes or any parts thereof or amendments thereto may be similarly adopted by reference.

Such code need not be published in the manner required for other ordinances, but at least one copy thereof shall be filed in the Office of the City Clerk after the adoption thereof for the use and examination by the public. The City Clerk shall maintain a reasonable supply of copies of such code available for purchase by the public at a price not to exceed its actual cost to the City. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of sections of ordinances generally. Copies of such codes in published form, duly certified by the City Clerk, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this state.

(d) **Effective Date of Ordinances.** All ordinances shall take effect thirty days after final passage except the following which shall take effect upon adoption:

- (1) An ordinance calling or otherwise relating to an election;
- (2) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (3) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property; or
- (4) An emergency ordinance adopted in the manner provided for in this article.

(e) **Amendment of Ordinances.** The amendment of any section or sections of an ordinance may be accomplished solely by the reenactment of such section or sections at length as amended.

Sec. 313. Publishing of Legal Notices.

(a) **Newspapers Generally.** In the event that there is more than one newspaper of general circulation published and circulated in the City, the City Council annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

(b) **Rates.** In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

(c) **Posting.** In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

(d) **Defects.** No defect or irregularity in proceedings taken under this sections, or failure to designate an official newspaper shall invalidate any publication where the same is otherwise in conformity with the Charter or law or ordinance.

ARTICLE IV.

CITY MANAGER

Sec. 400. City Manager.

(a) **Appointment, Salary.** There shall be a City Manager who shall be the executive officer of the City; to be appointed by and serve at the pleasure of the City Council. The City Manager shall be chosen on the basis of administrative qualifications and shall be paid a salary, fixed by the Council, commensurate with responsibilities.

(b) **Removal.** The City Manager may be removed from office by motion of the City Council adopted by at least three affirmative votes.

(c) **Ineligibility.** No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council, nor within one year after ceasing to be a City Councilmember.

Sec. 401. City Manager; Powers and Duties.

Generally. The City Manager shall be the head of the administrative branch of the City government, and be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) **Appointment and Removal of Employees and officers.**

Subject to the provisions of Section 500 of Article V of the Charter, the City Manager shall appoint all department heads and officers of the City except elective officers and those department heads and officers whose power of appointment is vested in the City Council, and pass upon and approve all proposed appointments and removals by department heads and other appointive officers.

(b) Prepare the budget annually, submit such budget to the City Council, and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

Section 401 (continued)

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable;

(e) Establish a centralized purchasing system for all City offices, departments and agencies;

(f) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it by ordinance;

(g) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City; and

(h) Perform such other duties consistent with this Charter as may be required by the City Council.

Sec. 402. Participation at Council Meetings.

The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council but shall not have a vote.

Sec. 403. City Manager Pro Tempore.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as City Manager Pro Tempore during any temporary absence or disability of the City Manager.

ARTICLE V. OFFICERS AND EMPLOYEES.

Sec. 500. Election, Appointment and Removal of Officers and Department Heads.

(a) **Election; Appointment.** The City Attorney shall be elected by the voters of the City. The City Manager and City Clerk shall be appointed by and serve at the pleasure of the City Council and shall be in the Unclassified Service. In addition, there shall be in the Unclassified Service a private secretary for the City Manager, City Attorney and the Mayor and Council who shall be appointed by the respective officers for whom they serve. All other officers and department heads of the City and the Assistant City Manager shall be appointed by the City Manager subject to the approval of the City Council. The City Attorney shall also appoint Assistant or Deputy City Attorneys as may be authorized by the Council, who shall be in the Unclassified Service. The City Clerk may also appoint Assistant or Deputy City Clerks as may be authorized by the Council subject to the approval of the Council who shall be in the Unclassified Service. It is further provided the City Council may, by ordinance, place Assistant and Deputy Department Heads, Assistants to the City Manager and new management level positions in the Unclassified Service by a four-fifths vote of the Council.

(b) **Removal.** Officers and employees in the Unclassified Service appointed by the City Council may be removed by them at any time by a majority vote of the members of the Council, and such officers and department heads in the Unclassified Service appointed by the City Manager or City Attorney, respectively, may be removed by him or her at any time and, in the case of appointees in the Unclassified Service, the order of the City Council, the City Attorney, or the City Manager affecting said removal shall be final and conclusive. The position of said officers and employees shall be declared vacant if said officer or employee is convicted of a felony or crime involving moral turpitude. Any appointee or employee in the Unclassified Service so removed by the City Manager, the City Attorney or City Clerk may, however, within five (5) days after receipt of a notice of dismissal, demand a written statement of the reason for such dismissal, a copy of which shall be forthwith filed with the City Council. Upon receipt of such written statement so furnished by the City Manager, the City Attorney or City Clerk to the City Council, the Council shall fix a time and place for a public

Section 500 (continued)

hearing, at which hearing the Council shall have authority to investigate the facts set forth in said written communication from the City Manager, the City Attorney or City Clerk containing the reason for said dismissal, and determine the truth or falsity of said facts. Council shall report its findings and recommendations made as a result of such hearing, and cause a copy of said findings to be delivered to the City Manager, the City Attorney or City Clerk and file the original with the City Clerk. The dismissed appointee or employee in such cases shall have the right to file with the Council a written reply or answer to any charges filed by the City Manager, the City Attorney or the City Clerk. All written documents, including the City Manager's, the City Attorney's or the City Clerk's written reasons for such dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Council, and any documentary evidence used at the hearing shall be filed with the proper office of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the City Manager, the City Attorney or the City Clerk to remove any appointee or employee in the Unclassified Service of the City, so appointed or employed, and all such removals shall be final and conclusive.

(c) **No Fiscal Impacts.** Except as expressly provided in Section 503, nothing in this Section 500 shall be construed to limit the budgetary authority of the City Council as respects the officers and employees under the supervision of the City Attorney.

Sec. 501. Administrative Departments.

The City Council may by ordinance not inconsistent with this Charter provide for the creation of additional departments and the assignment of general functions to such added departments, and may also abolish specific functions performed and the department performing such abolished functions.

The City Manager shall be responsible for the organizational structure of all departments subject to the City Manager's direction, including their divisions, sections, crews and other necessary unit components and shall assign duties, delegate administrative powers, and provide staff for the departments for which the City Manager is responsible.

Section 501 (continued)

The City Council shall control by budget the number and compensation of all positions, unless otherwise mandated by this Charter. Each department so created shall be headed by an officer designated as department head who shall be appointed by the City Manager, subject to the approval of the City Council.

Sec. 502. City Clerk; Powers and Duties.

The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;

(c) Maintain a record of all written contracts and official bonds;

(d) Be the custodian of the seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(f) Have charge of all City elections.

Sec. 503. City Attorney: Election, Powers and Duties.

(a) Designation as Officer. The City Attorney shall be an officer of the City, in addition to any other officers designated pursuant to this Charter. It is the intent of the voters that the City Attorney shall be sufficiently independent of the City Council and other city officials to advise the City while also acting in the best interests of the public.

Section 503 (continued)

(b) Powers of the City Attorney. The City Attorney shall:

(1) Represent and advise the City Council and all city officers in all matters of law pertaining to their offices and advise all boards, commissions, and other agencies of the City on legal matters referred to him or her, and render written legal opinions when the same are requested in writing by the Mayor or a member of the Council or the City Manager or any other officer, board or commission of the City;

(2) Represent and appear for the City and any city officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reasons of his or her official capacity, is concerned or is a party;

(3) Attend all regular meetings of the City Council and give his or her opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City;

(4) Approve the form of all contracts made by and all bonds given to the City, endorsing approval thereon in writing.

(5) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(6) Prosecute, if so directed by ordinance of the City Council, all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required by law, and shall have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting misdemeanors;

(7) Whenever a cause of action exists in favor of the City, exercise discretion as to when to commence or maintain legal proceedings, subject to the approval or ratification by the City Council, when the basis for such action is within the knowledge of the City Attorney, or, he or she shall commence or maintain legal proceedings as directed by the City Council; and

(8) Surrender to his or her successor all books, papers, files and documents pertaining to the City's affairs.

The Council may empower the City Attorney, at his or her request, to employ special legal counsel, and he or she shall have the power to appoint appraisers, engineers and other

Section 503 (continued)

technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. Upon the City Attorney's recommendation and the approval of the Council, when he or she has a conflict of interest in litigation involving another office of the City in his official capacity, such other officer may retain special legal counsel at City expense. Nothing in this Section 503 shall be construed to prevent the City Attorney from giving confidential advice to the City when otherwise allowed by law.

(c) Election; Compensation of City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election the Mayor, except as otherwise provided in this section. The annual salary of the elected City Attorney shall be equivalent to the salary of a Judge of the Superior Court of the State of California. The City Attorney shall also receive reimbursement on the order of the Council for Council-authorized travel and other expenses when on official duty out of the City. The City Council may also provide, by resolution, for the payment of an allowance of a sum certain per month, as reimbursement for additional demands and expenses made upon and incurred by the City Attorney. The City Attorney's salary may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all City officers and employees in the same amount or proportion. In addition, the City Attorney shall be entitled to such benefits as are granted to their management, employees of the City, as established by the City Council from time to time. The City Attorney shall be in the Unclassified Service.

(d) Qualifications of City Attorney. No person shall be eligible for or continue to hold the Office of City Attorney, either by election or appointment, unless he or she is a citizen of the United States, a qualified elector, and a California resident, licensed to practice law in all courts of the State of California and so licensed for at least seven years preceding his or her assumption of office following election under this charter.

(e) Term of Office of the City Attorney. The City Attorney shall be elected to a nominal term of four years and shall commence on the first Tuesday of December of the year of the election, and shall continue until a successor qualifies.

(f) Vacancy, Filling of. Upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council; provided, that if the Council shall fail

Section 503 (continued)

to fill a vacancy by appointment within sixty days after such office shall become vacant, or if the unexpired term of the City Attorney shall exceed 24 months at the time of the appointment, the City Council shall cause a special election to be held to fill such vacancy, as provided in Section 303.C.2. An appointee or the person elected to the Office of City Attorney for the balance of an unexpired term shall hold office until the next general election for the Office of the City Attorney.

(g) Vacancy, What Constitutes. The Office of City Attorney shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after his or her term is to begin, dies, resigns, ceases to be a resident of the State or absents himself or herself continuously from the State for a period of more than thirty days without permission from the Council, absents himself or herself from any seven consecutive regular meetings except on account of own illness or when absent from the City by permission of the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of his or her office, forfeits his or her office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least two-thirds of the members of the Council after considering competent medical evidence bearing on the physical or mental capability of the City Attorney.

Sec. 503.1 Office of Legislative Counsel; Duties

Notwithstanding any other provision of this Charter, the Council may establish by ordinance the office of Legislative Counsel, as described in this section.

(a) Legislative Counsel may be selected by the Council and serve at the pleasure of the Council, on terms and conditions prescribed by Council. Appointment or dismissal of the Legislative Counsel shall be approved by a majority vote of the Council.

(b) Legislative Counsel may advise the Council regarding its legislative duties. Legislative Counsel shall neither oppose nor urge enactment of any legislation.

(c) Legislative Counsel may also advise the Council regarding conflicts of interest involving the City Attorney, and whether the hiring of special counsel is therefore warranted. If the Council approves the hiring of special counsel, Legislatvie

Counsel may assist the Council in the selection and appointment of special counsel.

(d) Legislative Counsel may further advise the Council or the City's Board of Ethics concerning the City's Code of Ethics and alleged violations thereof, and further may advise the City's Charter Review Commission. Legislative Counsel may also provide such other assistance to the Board of Ethics in investigating or assisting the Board in the conduct of hearings, including the hiring of special counsel to the Board.

(e) The Council may further provide by ordinance that the advice of the Legislative Counsel on the matters set forth in this section 503.1 shall be in lieu of that of the City Attorney. The Council may additionally or alternatively provide by ordinance for the prevention or resolution of conflicts and/or disputes between the City Attorney and Legislative Counsel.

Sec. 504. Director of Finance; Powers and Duties.

There shall be a Finance Department headed by a Director of Finance, who shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;

(b) Compile the budget expense and income estimates for the City Manager;

(c) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment all bills, invoices, payrolls, or demands against the City government and with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;

Section 504 (continued)

(d) Maintain a general accounting system for the City government and each of its offices, departments and agencies;

(e) Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as deemed expedient;

(f) Submit to the City Council through the City Manager a quarterly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; as of the end of each fiscal year and within one hundred and twenty days thereafter, submit to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury, and cause said statement to be published once in the official newspaper;

(g) Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal government; or from any court or from any office, department or agency of the City;

(h) Have custody of all public funds belonging to or under the control of the City or any office, department or agency of the City government and deposit all funds in such depository as may be designated by resolution of the City Council, or if no such resolution be adopted, by the City Manager, and in compliance with all the provisions of the State Constitution and the laws of the State governing the handling, depositing and securing of public funds; and

(i) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

Sec. 505. Duties of Officers and Employees.

The City Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty

Section 505 (continued)

assigned by this Charter to a particular office, department or agency.

Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. No office provided in this Charter to be filled by appointment by the City Manager may be combined with an office provided in this Charter to be filled by appointment by the City Council.

However, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government. In such case, the provisions of this Charter providing for the function of the City government so transferred or consolidated are suspended, and shall be covered by ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Sec 506. Administering Oaths.

Each department head or deputy shall have the power to administer oaths and affirmations on connection with any official business pertaining to that department.

Sec. 507. Department Heads; Appointment Powers.

Each department head and appointive officer shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for their department or office, subject to the civil service provisions, or as provided by ordinance of the Council as authorized by Section 500(a) of this Charter, and subject to prior approval of the City Manager.

Sec. 508. Illegal Contracts; Financial Interest.

No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or
Section 508 (continued)

transaction to which the City is a party and which comes before the board or commission of which such person is a member, for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where the only interest in the corporation is that of a stockholder and the stock so owned shall amount to less than three percent (3%) of all of the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof, shall forfeit the office in addition to any other penalty which may be imposed for such violation of this Charter.

Sec. 509. Acceptance of Other Office.

Any elective officer of the City who shall accept or retain any salaried public office, except as provided in this Charter, shall be deemed thereby to have vacated said office under City government.

Sec. 510. Nepotism.

The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more members of such City Council, provided that such prohibition shall not apply to persons who achieved permanent salaried status prior to the date upon which any such relative became elected or appointed to such City Council.

No department head or other officer having appointive power shall appoint to a salaried position under the City government any person who is a relative by such appointing authority within Section 510 (continued)

the third degree by blood or marriage, provided that such prohibition shall not apply to persons who achieved permanent salaried position prior to the effective date of such appointing authority assuming such position, and provided the City Manager approved in writing such appointment.

Sec. 511. Official Bonds.

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or

employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be said by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his or her bond, for any wrongful act or omission of a subordinate, unless such superior officer was a part to, or conspired in, such wrongful act or omission.

Sec. 512. Oath of Office.

Each member of the City Council and of every board and ommission and each officer, department head and full-time employee, before beginning the duties of the office, shall take,subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California; that I will, in all respects, observe the provisions of this Charter and the ordinances of the City of Chula Vista; that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability; and that I do not advocate the overthrow of the government of the United States by force or violence."

ARTICLE VI. APPOINTIVE BOARDS AND COMMISSIONS.

Sec. 600. In General.

There shall be the boards and commissions enumerated in this article which shall have the powers and duties set forth in this Charter. In addition, the City Council, may create, by ordinance, such boards or commissions as, in its judgment, are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. Such boards and commissions shall consult with and advise the Mayor, Council or City Manager as may be provided herein or in the ordinances establishing such boards and commissions, but they shall have no authority to direct the conduct of any department.

Sec. 601. Appropriations and Compensation.

(a) **Appropriations.** The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

(b) **Compensation.** The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Sec. 602. Appointments; Terms and Vacancies.

(a) **Appointments and Terms.** The members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four (4) years and until their respective successors are appointed and qualified. Members of such boards and commissions shall be limited to a maximum of two (2) consecutive terms and an interval of two (2) years must pass before a person who has served two (2) consecutive terms may be reappointed to the body upon which the member had served; provided, further, that for the purpose of this section, an appointment to fill an initial term or an unexpired term of less than two (2) years in duration shall not be considered as a term; however, any appointment to fill an initial term or an unexpired term in excess of two (2) years shall be considered to be a full term.

Section 602 (continued)

(b) **Initial Classification of Appointees.** The members first appointed to such boards and commissions shall so classify themselves by lot so that each succeeding July 1st the term of one (1) of their number shall expire. If the total number of members of such body to be appointed exceeds four (4), the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one (1) member shall expire on each succeeding July 1st.

(c) **Vacancies.** Vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission is absent from three (3) regular meetings of such body consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a felony or crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.

(d) **Eligibility.** All members of boards and commissions shall be qualified electors in the City of Chula Vista with the exception of Youth Commissioners who need only be residents of the City of Chula Vista. The City Council may appoint non-electors of the City of Chula Vista to those boards and commissions which are advisory only and whose duties involve regional issues. Appointment of non-electors must be passed by at least four affirmative votes. No person may be appointed nor shall serve on more than one of the Charter-created boards or commissions simultaneously.

Sec. 603. Meetings; Chairman.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer for the ensuing year. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Section 603 (continued)

The affirmative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action except to adjourn.

The City Manager shall designate a secretary for the recording of minutes for each such board and commission, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Sec. 604. Oaths; Affirmations.

Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigations or proceedings pending before such board or commission.

Sec. 605. Planning Commission.

There shall be a City Planning Commission consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. The number of members to comprise the commission may be changed by ordinance of the City Council to not less than five (5) nor more than nine (9) members.

The services of the Director of Public Works, City Attorney and Director of Building and Housing shall be made available to such commission.

Sec. 606. Planning Commission; Powers and Duties.

The Planning Commission shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment, or repeal of a Master Plan or any part thereof for the physical development of the City; and

Section 606 (continued)

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance.

Sec. 607. Board of Library Trustees.

There shall be a Board of Library Trustees consisting of at least five (5) members to be appointed by the City Council from the qualified electors of the City and no member of said board shall hold any paid office or employment in the City government. The number of members to comprise the Board may be changed by ordinance of the City Council.

Sec. 608. Board of Library Trustees; Powers and Duties.

The Board of Library Trustees shall have the power and duty to:

(a) Act in any advisory capacity to the City Council in all matters pertaining to City libraries; and

(b) Recommend to the City Council the adoption of such bylaws, rules and regulations as it may deem necessary for the administration and protection of city libraries.

Sec. 609. Civil Service Commission.

There shall be a Civil Service Commission consisting of five (5) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City office or employment.

The members of the Civil Service Commission shall be nominated and appointed in the following manner:

Two members shall be appointed by the City Council from a list of four (4) persons to be nominated by election of the employees in the Classified Service, two (2) members shall be appointed by the City Council directly, and the fifth shall be appointed by the City Council from a list of three (3) persons nominated by the four (4) thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

Section 609 (continued)

The term of the members of the Civil Service Commission shall be four (4) years. Members shall hold office until their respective successors are appointed. The terms of members shall commence on the first day of July and as soon as practicable upon the appointment of three (3) members after ratification of this amendment, the Civil Service Commission shall organize by electing one of its members to serve as chairman at the pleasure of the Commission. All proceedings of said Commission shall be open to the public and a majority vote of the entire membership of such Commission shall be necessary for it to take action.

Sec. 610. Civil Service Commission; Powers and Duties.

The Civil Service Commission shall have power and be required to:

(a) Recommend to the City Council after a public hearing thereon, the adoption, amendment or repeal of civil service rules and regulations not in conflict with this article;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

(c) Conduct any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council; and

(d) Such other duties and powers as the City Council may, by ordinance or resolution, confer upon the Commission in order to carry out the principles of civil service in accordance with the laws of the State of California and this Charter and to assist in the implementation of proper employer-employee relations.

Sec. 611. Parks and Recreation Commission.

There shall be a Parks and Recreation Commission consisting of at least five (5) members to be appointed by the City Council from the qualified electors of the City and no member of said Commission shall hold any paid office or employment in the City government. The number of members to comprise the commission may be changed by ordinance of the City Council.

In the event the City Council contracts with other agencies interested in recreation and parks for joint exercise of any such functions, such contract may provide for representation on the

Section 611 (continued)

Commission of representatives of such agencies during the existence of such contract or extensions thereof.

Sec. 612. Parks and Recreation Commission; Powers and Duties.

The Parks and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation and playgrounds;

(b) Consider the annual budget for parks and recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager, and

(c) Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

ARTICLE VII. CIVIL SERVICE

Sec. 700. Merit Principle.

Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with civil service rules and regulations adopted in the manner provided in this Charter.

Sec. 701. Unclassified and Classified Service.

The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) Unclassified Service. The Unclassified Service shall include the following officers and positions:

- (1) All elective officers;
- (2) City Manager, Assistant City Manager, Deputy City Manager, Director of Finance, City Clerk, City Attorney, Assistant or Deputy City Attorneys, a private secretary to the City Manager, a private secretary to the Mayor and Council, a private secretary to the City Attorney, department heads; or as provided in Section 500 of this Charter.
- (3) All members of boards and commissions;
- (4) Positions in any class or grade created for a special or, temporary purpose and which may exist for a period of not more than ninety (90) days in any one calendar year;
- (5) Persons employed to render professional, scientific, technical or expert service of any occasional and exceptional character;
- (6) Part-time employees paid on an hourly or per diem basis; and
- (7) Persons employed to fill positions which have been created for work and/or projects funded entirely or in

Section 701 (continued)

part by grants made to the City or as provided and as designated by the City Council pursuant to Section 500 of this Charter.

- (8) The City may place Assistant and Deputy Department Heads, Assistants to the City Manager and new management level positions in the Unclassified service by an ordinance adopted by a four-fifth's vote.

(b) **Classified Service.** The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Sec. 702. Rules and Regulations.

The Civil Service rules and regulations shall provide for the following matters, in addition to such others as the Civil Service Commission may deem necessary, proper or expedient to carry on the intent and purpose of the Civil Service provisions of this Charter.

(a) The classification of all positions in the Classified service.

(b) The selection, employment, advancement, suspension, demotion, discharge and retirement of all persons in the Classified Service.

(c) The recruitment of applicants for City positions through public advertisement inviting applications and by the establishment of lists according to the merit and fitness of the applicants, to be determined by free examinations in accordance with such rules. The holding of promotional examinations to fill vacancies where promotional examinations are practicable in the opinion of the Civil Service Commission.

(d) The certification of three names standing highest on the eligible list to the appointing authority to fill a position in the Classified Service, unless the Civil Service Commission, with the consent of the appointing power, authorized the certification of less than three names on an eligible list and, in the opinion of such Commission and such appointing power, conditions warrant such action.

Sec. 703. Appointments from Classified Service Positions.

In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should within six months thereafter be removed or resign therefrom the officer or employee shall revert to their former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as though service had been continuous in said position.

Sec. 704. Temporary Appointments.

(a) Temporary appointments to the head of any department where a vacancy may occur shall be made by the City Manager, subject to Council approval.

(b) Temporary appointments shall be made by the head of each department in which such a vacancy may occur, subject to the approval of the City Manager, of persons not on the eligible list in the event that no eligible list has been prepared for this position, or that those on the eligible list are not immediately available, or during the suspension of an employee or officer, or pending final action on proceedings to review a suspension, demotion or dismissal of an employee or officer. Such temporary appointments shall not continue for a longer period than six months. No credit shall be allowed in the giving of examinations for service rendered under a temporary appointment.

Sec. 705. Abolishment of Positions.

Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may abolish any position or employment in the Classified Service and discharge or reduce the position or employment. Should such employee or officer holding such position or employment involving all or the major part of the same duties be reinstated or created within two years, the employee or officer discharged or reduced shall be appointed thereto in preference to any other qualified persons on the eligible list for such position.

Sec. 706. Contract for Performance of Administrative Functions.

The City Council may contract with the governing body of a city or county within this state, or with a state department or other public or private agency for the preparation or conducting

Section 706 (continued)

of examinations for positions in the City service or for the performance of any other personnel administration service.

Sec. 707. Improper Political Activity.

No elective or appointive officer or employee of the City of Chula Vista, whether employed in the Classified or Unclassified Service, shall:

(a) Directly or indirectly use, promise, threaten or attempt to use any official influence in the aid of any partisan political activity, or to affect the result of any election to partisan or political office or upon any other corrupt condition or consideration;

(b) Solicit or coerce from any other officer or employee of the City of Chula Vista, any political assessment, subscription or contribution;

(c) Use any office or position with the City in any activity in support or opposition to any person running for the City of Chula Vista Council or Mayor.

Nothing in this article shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting their vote or from seeking or accepting election or appointment to public office. Any willful violation thereof or violation through culpable negligence shall be sufficient grounds to authorize the discharge of an officer or employee.

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, except that no one shall be eligible to hold a position with this City who advocates the overthrow of our form of government by force or violence.

ARTICLE VIII. RETIREMENT.

Sec. 800. State System.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or may hereafter be amended, to enable said City to continue as a contracting city participating in the said retirement system. The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at any election at which such proposal is presented.

ARTICLE IX. ELECTIONS.

Sec. 900. General Municipal Elections; Terms.

General municipal elections for the election of Mayor and Councilmembers and for such purposes as the City Council may describe shall be held in the City of Chula Vista on the same date in each election year as the California State primary elections.

Sec. 901. Special Municipal Elections.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Sec. 902. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, .for the holding of elections in general law cities so far as the same are not in conflict with this Charter. Said elections except for Councilmembers and Mayor may, at the discretion of the City Council, be conducted by means of a mailed ballot eliminating customary polling place operations.

Sec. 903. Initiative, Referendum and Recall.

There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended governing the initiative and referendum and of the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with this Charter.

Sec. 904. Regulations of Campaign Contributions.

It is the policy of the City to avoid the potential for undue or improper influence over elected officials resulting from excessive campaign contributions. In furtherance of that purpose, the City Council shall adopt reasonable regulations related to campaign contributions which shall be contained in the City Code.

ARTICLE X. FISCAL ADMINISTRATION.

Sec. 1000. Fiscal Year.

The fiscal year of the City government shall begin on the first day of July each year and end on the thirtieth day of June of the following year.

Sec. 1001. Annual Budget. Preparation by the City Manager.

The City Manager shall set a date for obtaining from each department head or other responsible City officer estimates of revenues and expenditures for the particular department or office detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates and confer with the party submitting such estimates and revise such estimates as deemed advisable.

Sec. 1002. Budget. Submission to the City Council.

At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit the proposed budget to the City Council. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Sec. 1003. Budget. Public Hearing.

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Sec. 1004. Budget. Further Consideration and Adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it

Section 1004 (continued)

shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Sec. 1005. Budget. Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered except appropriations for specific capital projects incomplete at the end of the fiscal year..At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members.

Sec. 1006. Tax Limits.

The tax limit for any ad valorem tax on real property shall be as prescribed by Article XIII A of the Constitution of the State of California.

Sec. 1007. Tax System.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes may be prescribed by ordinance of the City Council.

Sec. 1008. Bonded Debt Limit.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation, for the purposes of City taxation, of all the real and personal

Section 1008 (continued)

property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. No bonds payable out of any revenues of the City or of any department thereof, shall be issued without assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such propositions shall have been duly submitted to the qualified electors of the City.

The City may issue bonds, notes or other obligations, any portions of the proceeds of which will be used to finance in whole or in part the acquisition, construction, equipping or improvement of any public utility, industrial or commercial facility and which will be payable in whole or in part out of any revenues derived from the operation of such public utility system or payments received from such industrial or commercial facility without the assent of the voters provided that neither the faith and credit of the City or any department thereof nor the taxing power of the City is pledged to the payment of principal or interest of such bonds, notes or other obligations.

Sec. 1009. Contracts on Public Works.

In the construction, reconstruction, or repair of public buildings, streets, drains, sewers, parks, playgrounds and other public works, the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract approved as to form and legality by the City Attorney.

Every project involving an expenditure of fifty thousand dollars (\$50,000.00) or more for the construction, reconstruction, improvement or repair of public buildings, streets, drains, sewers, utilities, parks and playgrounds and other public works, and the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract except as otherwise provided in this chapter, and the Council, upon the recommendation of the City Manager, shall let said contract to the lowest responsible bidder after notice by publication in the official newspaper for sealed bids for the work contemplated by one or more insertions, the first of which shall be at least ten days before the time for opening bids. If the cost of said public works project is more than the

Section 1009 (continued)

sum of twenty-five thousand dollars (\$25,000.00) but less than fifty thousand dollars (\$50,000.00), the City Council may let said contract without advertising for bids after the City Manager or his designated agent has secured competitive prices from interested contractors; which shall be considered by the Council before said contract is let.

If the project involves the expenditure of twenty five thousand dollars (\$25,000.00) or less, the City Manager may cause such written contract to be let without advertising for bids. However, except in emergencies, the City Engineer or the Purchasing Agent shall obtain informal bids. The project shall be awarded to the lowest responsible bidder whose bid is determined to be, in all respects, most advantageous to the public interest. The City Engineer may solicit such bids personally, by telephone or by mail, and shall submit to the Purchasing Agent and the City Manager a written account of the procedures used and the bids thus obtained. A copy of said informal bidding procedure shall be filed in the Office of the City Clerk as a public record.

The City Council may, however, declare and determine that, in its opinion, based upon estimates approved by and the recommendations of the City Manager, said projects may be excepted from the requirements of this section because the work in question may be performed better or more economically by the City with its own employees, and by a resolution to this effect, adopted by at least four affirmative votes of the Council, order the performance of any such construction, reconstruction, improvement or repair by appropriate City forces.

All bids of more than fifty thousand dollars (\$50,000.00) shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City.

Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

Section 1009 (continued)

The City Council shall be competent to award any contract by comparison of bids on the basis of several factors including timely completion. Such an award shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided, further, that for any contract awarded solely or partially on a specified time for completion, the Council shall not extend such time limits unless such extension be recommended by the City Manager and the head of the Department concerned.

The City Council may reject any and all bids presented and may readvertise in its discretion. The City Council may waive any defects in any bid to the extent it finds at a public hearing held for that purpose that it is necessary to do so for the benefit of the public.

Contracts may likewise be let without advertising for bids if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution. passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency; provided, however, that nothing in this section shall prevent the City Manager from taking any and all means necessary to make emergency repairs in the event of immediate need arising from any calamity or disaster.

Notwithstanding any provisions of this Charter to the contrary, the City may employ a design-build process for the construction, reconstruction or repair of public works. A "design-build process" shall mean a process in which the design and construction of a project are procured from a single entity. Prior to employing the design-build process, the City shall establish, by ordinance, specific procedures and standards to be used to solicit, qualify, evaluate and select design-build proposals by competitive bid or negotiation process.

Sec. 1010. Centralized Purchasing.

A centralized purchasing system shall be established for all City departments, offices and agencies. The City Manager shall recommend and the City Council shall consider and adopt, by ordinance, rules and regulations governing the contracting for, purchasing, storing, distribution or disposal of all property, supplies, materials and equipment required or possessed by any department, office or agency of the City government.

Sec. 1011. Competitive Bidding.

Before making purchases for or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding under such rules and regulations and with such exceptions as the City Council may prescribe in the Section 1011 (continued)

ordinance setting up such rules and regulations. When making purchases for the City, merchants with places of business located within the City shall be given the preference, quality and prices being equal.

Sec. 1012. Cash Basis Fund. (Repealed 11/5/85)

Sec. 1013. Capital Outlays Fund.

A fund for capital outlays generally is hereby created to be known as the "Capital Outlays Fund". The City Council may create, by ordinance, a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes, in which event it must apportion and appropriate to any such fund or funds the monies derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Sec. 1014. Departmental Trust Fund.

The City Council shall prescribe, by ordinance, for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be

Section 1014 (continued)

made by the Director of Finance only on order signed by the proper department or division head.

Sec. 1015. Presentation of Demands.

Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, the Director of Finance shall approve such demand and draw a warrant on the City treasury therefor, payable out of the proper fund. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn.

Sec. 1016. Registering Warrants. (Repealed 11/5/85)

Sec. 1017. Independent Audit.

The City Council shall employ, at the beginning of each fiscal year, a qualified accountant who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be made by such accountant directly to a meeting of the City Council. One detailed copy shall be submitted to each member, one to the City Manager, Director of Finance and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XI. BOARD OF EDUCATION.

(Deleted 11/5/85)

ARTICLE XII. FRANCHISES.

Sec. 1200. Granting of Franchises.

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage or other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter. Nothing in this section, or elsewhere in this article shall apply to the City, or any department thereof, when furnishing any such utility or service.

Sec. 1201. Resolution of Intention. Notice and Public Hearing.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and modify the proposed terms and conditions, if desired, and its decision thereon shall be final and conclusive. Thereafter, it may grant or deny the franchise on the terms and conditions specified in the resolution of intention to grant the same, or as modified, subject to the right of referendum of the people.

Sec. 1202. Term of Franchise.

Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the state, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Sec. 1203. Grant to be in Lieu of all Other Franchises.

Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the Grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said Constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee

Section 1203 (continued)

or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Sec. 1204. Eminent Domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to codify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Sec. 1205. Duties of Grantees.

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment;

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct or if the public health, comfort, welfare, convenience or safety so demands; and

(e) Pay to the City during the life of the franchise a percentage to be specified in the grant of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Sec. 1206. Exercising Rights without Franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be an infraction and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

ARTICLE XIII. MISCELLANEOUS.

Sec. 1300. Definitions.

Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Chula Vista, and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Chula Vista.

(c) "County" is the County of San Diego.

(d) "State" is the State of California.

Sec. 1301. Violations.

Every act punishable by fine or penalty shall be by ordinance. The violation of any provision of this Charter shall be deemed an infraction and shall be punishable upon conviction by a fine of not more than \$50 within a one-year period, \$100 for a second offense within a one-year period and \$250 for a third offense within a one-year period.

Sec. 1302. Validity.

If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

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LEGISLATIVE HISTORY - CHULA VISTA CITY CHARTER

Introduction.

The City Charter of the City of Chula Vista was adopted by the electorate on November 8, 1949 and was totally revised and renumbered as adopted by the electorate on June 6, 1978.

Following is a legislative history of all amendments, additions and repeals of sections of the City Charter through March 7, 2000. All dates referred to herein are dates of elections wherein said amendments, additions or repeals were enacted by the electorate except for the initial Charter enactments which were established by ratification of the Legislature on December 15, 1949. The legislative history does not reflect the general housekeeping amendments undertaken subsequent to the election of June 6, 1978 at which time the City Clerk was authorized to eliminate all references to male and female pronouns.

SECTION	DATE AMENDED	DATE ADDED	DATE RE-PEALED	PREVIOUS NUMBER
100				
101				
102				
103	6-6-78			104
104	6-6-78			106
			6-6-78	105
200				
201		6-6-78		
300	4-12-66 4-17-73 4-9-74 6-6-78 11-2-82 11-6-84 11-5-85 6-2-92 11-3-92 11-07-06			

SECTION	DATE AMENDED	DATE ADDED	DATE RE-PEALED	PREVIOUS NUMBER
300	11-06-12			
300.5		11-06-12		new
302	4-10-62 4-12-66 4-9-68 6-6-78 11-8-88 3-7-00	12-3-02		
303	4-14-64 4-12-66 4-11-72 6-6-78 11-3-92 3-26-96 11-07-06			
304	4-12-66 6-6-78 11-6-79 11-2-82 11-8-88 3-7-00	12-3-02		
	4-12-66			
305		6-6-78		305
305.5		6-06-06		new
305.6		6-06-06		new
306				
307	6-6-78		11-8-88	
308	4-13-76 11-2-82			
309	6-6-78			
310				
311	11-4-86 11-8-88			
312	6-6-78 11-7-78			313, 314, 315, 317

SECTION	DATE AMENDED	DATE ADDED	DATE RE-PEALED	PREVIOUS NUMBER
	11-8-88			
313	6-6-78			318
			6-6-78	316
400	11-3-70 4-12-77			
401	11-3-70 4-12-77			
402	11-3-70			
403	11-3-70			
			6-6-78	404
500	4-9-68 11-3-70 4-11-72 5-27-75 11-2-82 11-6-84 11-4-2008			
501	11-3-70 4-11-72			
502	11-5-85			
503	4-9-68 11-4-2008 6-5-2012		4-09-68	504
503.1		6-5-2012		New
504	11-3-70 11-5-85			505
505				506
506				507
507	5-27-75			508
508				509
509				510
510	4-14-64			511
511				512
512	4-9-68			513
600	11-3-70			

601	6-6-78			
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SECTION	DATE AMENDED	DATE ADDED	DATE RE-PEALED	PREVIOUS NUMBER
602	11-3-70 6-6-78 11-8-88 11-6-90 11-3-92 11-7-00			
			11-3-70	603
603				604
604				606
			6-6-78	605
605				607
606				608
607	11-6-90			609
608	4-11-72			610
609	4-12-66 4-12-77			611
610	4-9-68 11-3-70			612
611	4-9-68			613
612				614
		4-10-62	4-9-68	615 ¹
			4-14-70	700-716
700				800
701	4-9-68 11-3-70 11-6-84			801
702	4-10-62 4-11-72 4-13-76			803

¹ Section 615 is not a part of the original 1949 Charter.

SECTION	DATE AMENDED	DATE ADDED	DATE RE- PEALED	PREVIOUS NUMBER
703				804
704	4-10-62 4-11-72			805
705				806
706				808
707	4-9-68			809
800				900
			4-9-68	802 1810
		4-17-73	4-13-76	807
			4-9-68	
900	11-3-70 6-6-78 11-2-82 11-4-86 6-2-92 11-8-94			1000
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902	11-3-81			1002
903				1003
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1000				1100
1001	11-2-82			1101
1002				1102
1003				1103
1004				1104
1005	4-11-72			1105
1006	5-27-75 11-2-82			1106
1007				1107

SECTION	DATE AMENDED	DATE ADDED	DATE RE-PEALED	PREVIOUS NUMBER
1008	4-12-77 11-2-82			1108
1009	4-9-68 4-14-70 5-27-75 11-2-82 11-3-92 3-7-00			1109
1010				1110
1011				1111
1012			11-5-85	1112
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			6-6-78	1117
1200				1400
1201	11-3-87			1401
1202				1402
1203				1403
1204				1404
1205				1405
1206				1406
			4-14-64	1300
1300				1500
1301	6-6-78			1501
1302				1502